

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA

v.

DANIEL EVERETTE HALE,

Defendant.

No. 1:19-CR-59

The Honorable Liam O'Grady

MOTION FOR UNSEALING OF CERTAIN FILINGS

The United States, by and through undersigned counsel, asks this Court to direct the Clerk's Office to unseal one filing in the above-captioned case and to place redacted versions of two sealed filings on the docket available to the public. The grounds for this request are as follows:

1. On March 7, 2019, a federal grand jury in the Eastern District of Virginia returned a five-count indictment as to Defendant Daniel Everette Hale. The indictment charged the defendant with obtaining national defense information, in violation of 18 U.S.C. § 793(c), retaining and transmitting national defense information, in violation of 18 U.S.C. § 793(e), causing the communication of national defense information, in violation of 18 U.S.C. § 793(e), disclosing classified communication intelligence information, in violation of 18 U.S.C. § 798(a)(3), and theft of government property, in violation of 18 U.S.C. § 641. (*See* Indictment, Dkt. 1.) Upon the motion of the government, the Court ordered that the indictment and related filings be sealed until the government moved to unseal them or the Defendant was arrested,

whichever occurred first.¹ (*See* Mar. 7, 2019 Gov't Mot. to Seal, Dkt. 6; Mar. 7, 2019 Order, Dkt. 7.)

2. On March 8, 2019, the government requested authorization to provide copies of the sealed indictment returned on March 7, 2019, to the Federal Bureau of Investigation, as well as counsel for certain intelligence community agencies. The Court granted this request on March 12, 2019, and sealed the government's Motion and its Order on the same conditions specified in the Court's March 7, 2019 Order. (*See* Mar. 8, 2019 Gov't Sealed Mot., Dkt. 9; Mar. 12, 2019 Order, Dkt. 10.)

3. The Defendant was arrested on May 9, 2019. Yet, the Court's March 7, 2019 Order, Dkt. 7, the government's March 8, 2019 Sealed Motion, Dkt. 9, and the Court's March 12, 2019 Order, Dkt. 10, remain sealed. The government therefore asks that the Court fully unseal Dkt. 7 and permit the government to file redacted versions of Dkt. 9 and Dkt. 10 with the Clerk's Office for public docketing. Dkt. 9 and Dkt. 10 identify specific intelligence community agencies affected by the Defendant's alleged misappropriation and unauthorized disclosures of national defense information. However, the identities of the agencies with equities in some of the documents that the Defendant is alleged to have misappropriated and disclosed are not apparent from the face of those documents. As a result, the identities of the affected agencies should remain sealed so as to protect their equities in the documents in question.

¹ The same federal grand jury that returned the March 7, 2019 indictment returned a superseding indictment on May 9, 2019. (*See* Superseding Indictment, Dkt. 12.) The superseding indictment also charges the Defendant with one count of 18 U.S.C. § 793(c), two counts of 18 U.S.C. § 793(e), one count of 18 U.S.C. § 798(a)(3), and one count of 18 U.S.C. § 641.

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of filing (“NEF”) to counsel of record for the defense.

By: _____ /s/
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